

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 30, 1997

DIVISION ONE

B107892 Dunscombe (Not for Publication)
 v.
 Dunscombe

The order under review is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B110064 Brandt (Not for Publication)
 v.
 The Regents of the University of California

The judgment of dismissal is affirmed. The Regents of the University of California are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

B111438 People (Not for Publication)
 v.
 Johnny M.

The order continuing wardship is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

September 30, 1997-Continued

DIVISION ONE (Continued)

B108278 People (Not for Publication)

V.
Cuong L.

The judgment (order of wardship) is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

B109048 People (Not for Publication)

V.
Gilbreath

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

B110427 People (Not for Publication)

v.
Haylock

We remand with direction to amend the abstract of judgment to reflect imposition of a restitution fine in the amount of \$2,500 and direct victim restitution in the amount of \$330. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B110333 Wood (Not for Publication)

v.
Home Savings of America, et al.

We vacate the sanctions orders of February 14, 1997, and March 6, 1997, and remand to the trial court with directions to withdraw any order to show cause that may be pending relative to these impositions of sanctions.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Dunn, J. (Assigned)

B102986 Wallace, et al. (Not for Publication)

v.
Alexander Haagen Properties, et al.

We affirm the judgment. Defendants are entitled to their costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

B105508 Whittlesey, et al. (Not for Publication)

v.
Steiner Construction, et al.

We reverse the order imposing sanctions. Each party to bear own costs.

Ortega, J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

DIVISION ONE (Continued)

B099997 Smith, et al. (Not for Publication)

v.

Roman Catholic Archdiocese of Los Angeles

We affirm the judgment and dismiss the appeal from the order denying reconsideration. Defendant is entitled to its costs.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B106100 People (Not for Publication)

v.

Trujillo

We reverse sustention of the prior convictions as to counts 2 and 3 insofar as they elevate the petit thefts therein to felonies, and remand for a new trial as to those allegations. We vacate the consecutive sentence imposed on count 3, to be reconsidered on remand. On remand, the trial court is to deal with an enhancement found true but omitted in the sentencing. In all other respects, we affirm the judgment.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B107281 People (Certified for Publication)

v.

Sisneros

The judgment is reversed. The matter is remanded to the trial court with directions to enter a judgment of acquittal.

Ortega, J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

DIVISION ONE (Continued)

B105818 Unetco Industries Exchange (Certified for Publication)

v.

Homestead Insurance Company

The order is modified to provide that the appraisal includes both the replacement costs (without deduction for depreciation) and the amount of loss as stated in the policy. As so modified, the order is affirmed. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur: Ortega, J.

Dunn, J. (Assigned)

DIVISION TWO

B109888 People (Not for Publication)

v.

Naranjo

The Court:

The order under review is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B106023 People (Not for Publication)

v.

Davis

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

September 30, 1997-Continued

DIVISION TWO (Continued)

B105017 Stress-Care, Inc. (Not for Publication)
v.
Workers' Compensation Appeals Board

The matter is remanded for further proceedings consistent with this opinion.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B106170 People (Not for Publication)
v.
Dewayne Haynes

The Court:

The sentence is vacated and the matter is remanded to the trial court for resentencing in a manner consistent with the views expressed in this opinion. In all other respects, the judgment is affirmed.

Klein, P.J., Kitching, Aldrich, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

September 30, 1997-Continued

DIVISION FOUR (Continued)

B100246 People (Not for Publication)
v.
Rios

The judgment is affirmed, and the cause remanded for resentencing in accordance with *People v. Superior Court (Romero)*, supra, 13 Cal.4th 497.

Epstein, Acting P.J.

We concur: Hastings, J.
Baron, J.

B105475 People (Not for Publication)
v.
Martinez

The judgment of conviction is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Baron, J.

B112677 City of Los Angeles (Certified for Publication)
v.
Superior Court of Los Angeles County
Labio

Let a peremptory writ of mandate issue directing the superior court to modify its order to allow the City to use statements at the administrative hearing for the limited purpose of impeachment if otherwise relevant. Real party shall have his costs in this proceeding.

Epstein, Acting P.J.

We concur: Hastings, J.
Baron, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Jed Belcher, Deputy Clerk.

Each of the following:

B112574 People v Dane Crouch
B107617 People v. Preston Braxton
B105968 DCS v. Cynthia E.
B106821 People v. Roosevelt Wallace

Argument waived, cause submitted.

B106929 People
 v.
 Gevork Sarkisyan

Merits:
Argued by Joe Ingber for appellant and by Michael J. Egan, deputy attorney general, for respondent. Cause submitted.

B106191 People
 v.
 Phillip Johnson

Merits:
Argued by Randy Baker for appellant and by Theresa Cochran, deputy attorney general for respondent. Cause submitted.

B103300 People
 v.
 Nathaniel Blalock

Merits:
Argued by Melissa Hill for appellant and by Lauren E. Dana, deputy attorney general for respondent. Cause submitted.

DIVISION FIVE (Continued)

The court recessed at 9:35 a.m.

The Court reconvened at 10 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Jed H. Belcher, Deputy Clerk.

B105945 DCS v. Kimberly M.

Argument waived, cause submitted.

B098531 The Salvation Army et al.
v.
Norman Essig

Merits:

Argued by Charles W. Wolfe for objectors and appellants and by William M. Poindexter and George W. Young for respondents. Cause submitted.

B113885 Bank of America
v.
Los Angeles Superior Court
(Betsy Irving, r.p.i.)

Merits:

Argued by Karen G. Greenwalt for petitioner and no appearance for real party in interest. Cause submitted.

The court recessed at 10:35 a.m.

The Court reconvened at 11:00 a.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and Jed H. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B106098 People v. Durnell Lacy
B106287 People v. Michael Knight
B109013 People v. Olusiji Adesina

Argument waived, cause submitted.

B104554 People
 v.
 Byron McCauley

Merits:
Argued by Kyle Marie Wesendorf for appellant and by Susan C. Diamond,
deputy attorney general for respondent. Cause submitted.

B109897 People
 v.
 Robert Holmes

Merits:
Argued by Fred Klink, deputy attorney general, for appellant and by Alex
Ricciardulli for respondent. Cause submitted.

B108139 People
 v.
 Lorenzo Guerra

Merits:
Argued by David M. McNeil for appellant and by Arthur H. Auerbach,
deputy attorney general for respondent. Cause submitted.

DIVISION FIVE (Continued)

B110296 People
 v.
 David Thompson

Merits:

Argued by Ronnie Duberstein for appellant and by Therese A. Cochrane, deputy attorney general for respondent. Cause submitted.

The court recessed at 11:52 a.m.

The Court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and Jed H. Belcher, Deputy Clerk.

Each of the following:

B106098 DCS v. James P.
B107343 People v. Charles Vargas

Argument waived, cause submitted.

B110004 Mark J. Fenning
 v.
 Glenfed, Inc., et al.

Merits:

Argued by Patrick J. Grannan for appellant and by Sheldon Eisenberg, for respondent. Cause submitted.

B101129 William Lowe
 v.
 Rockwell International

Merits:

Argued by Nancy L. Abrolat for appellant and by Dan Fears for respondent. Cause submitted.

Court adjourned at 2:22 p.m.

September 30, 1997-Continued

DIVISION SIX

Crim.	People	(Not For Publication)
No.	vs.	
B111145	Cervantes	

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

DIVISION SEVEN

B103595	People
	v.
	Barnes

Filed order denying petition for rehearing.